

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, April 20, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84640742374>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 846 4074 2374. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Recess Items

- 1. Addition of Subcontractors to Robert E. Boyer Construction, Inc. Contract No. 32000230**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to add the following subcontractors to Contract No. 32000230 with Robert E. Boyer Construction, Inc. for the construction of the Berkeley Tuolumne Camp Project (“Project”): Morrison Home Improvement, John Losoya Construction, Inc., and Dave Smith Construction, Inc.; and approving the finding that this action is necessary to mitigate the impact of significant labor shortages resulting from the effects of COVID-19 on the Project.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 2. Increase of Authorized Funding: Contact No. 8051 for Police Department Substation, 841 Folger Street/3000 Seventh Street**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to increase the amount of funding authorized under Contract No. 8051 by \$250,000 from \$2,245,726 to \$2,495,726 for rental of the property at 841 Folger Street/3000 Seventh Street.
Financial Implications: Various Funds - \$250,000
Contact: Jen Louis, Police, (510) 981-5900

Consent Calendar

- 3. Police Accountability Board – Ordinance Amendment for Leaves of Absence and Alternate Commissioner; Amending BMC Chapter 3.02**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,757-N.S. amending Berkeley Municipal Code Section 3.02.030 to provide for leaves of absence for members of the Police Accountability Board and Berkeley Municipal Code Section 3.02.035 to provide for a designated council-approved alternate to serve when a regular member is on a leave of absence.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

4. Measure T1 Loan

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to loan \$1,500,000 from the Capital Improvement Fund to the Measure T1 Fund in FY 2021 to complete Phase 1 projects and appropriate funds to repay this loan and previous loans from the Parks Tax Fund, Measure BB - Local Streets & Roads Fund, and Mental Health Realignment Fund from Phase 2 Measure T1 bond proceeds once they become available.

Financial Implications: See report

Contact: Rama Murty, Budget Office, (510) 981-7000

5. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of March 1, 2021 (closed), March 9, 2021 (regular), March 16, 2021 (closed and special), March 23, 2021 (regular), March 25, 2021 (special), March 29, 2021 (closed) and March 30, 2021 (closed and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6900

6. Contract No. 9236 Amendment: Freitas Landscaping and Maintenance for Landscaping Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend contract number 9236 with Freitas Landscaping and Maintenance for landscaping services at the Berkeley Animal Shelter at Dona Spring Animal Shelter by adding \$25,000 through fiscal year 2024, increasing the total contract to \$74,000 pending budget approval in fiscal years 2022-2024.

Financial Implications: General Fund - \$25,000

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

7. Contract No. 105938-1 Amendment: Koefran Industries for Animal Disposal Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to extend and increase the current contract with Koefran Industries to remove and dispose of deceased animals for Berkeley Animal Care Services (BACS). The increase will be an additional \$110,000 through June 30, 2026, for a total contract amount not to exceed \$231,600 and subject to the City's Annual Appropriation Process.

Financial Implications: General Fund - \$110,000

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Consent Calendar

- 8. Contract No. 32100053 Amendment: Orsolya Kuti, DVM for services at the Dona Spring Animal Shelter**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100053 with Orsolya Kuti, DVM adding \$4,800 to provide free spay and neuter surgeries at the Dona Spring Animal Shelter to eligible low/no-income and homeless pet owners who reside in Berkeley, Albany, Emeryville or Piedmont. Authorize the receipt of additional donations up to a total of \$40,000 over the three year period of FY 2021, FY2022 and FY2023, for a total contract amount not to exceed \$220,000.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 9. Contract No. 32100022 Amendment: Michael Arcega for San Pablo Park Measure T1 Public Art Commission**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100022 with Michael Arcega for additional artwork elements costing up to \$9,936 for a total contract amount not to exceed \$219,936. This is for the public art commission project located at San Pablo Park and funded by Measure T1.
Financial Implications: Measure T1 Public Art Fund - \$9,936
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 20, 2021**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: \$1,581,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

- 11. Predevelopment Funding Recommendations: 2024 Ashby Avenue and 1708 Harmon Street**
From: City Manager
Recommendation: Adopt a Resolution: 1. Reserving predevelopment funding in the amount of: a) \$1,198,960 for Community Housing Development Corporation/St. Paul AME's new construction development of affordable housing at 2024 Ashby Avenue; and b) \$1,056,400 for Community Housing Development Corporation/Ephesians Church of God in Christ (ECOGIC)'s new construction development of affordable housing at 1708 Harmon Street; and 2. Authorizing the City Manager, or her designee, to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 12. Revenue Contract: Alameda County Behavioral Health Care Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Alameda County Behavioral Health Care Services (ACBH) for the provision of mental health services, including Medi-Cal, Medicare, Educationally Related Mental Health Services (ERMHS), and Early Periodic Screening, Diagnosis and Treatment (EPSDT) billing and reimbursement for through June 30, 2021.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 13. Shelter Plus Care Program Renewal Grants**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the renewal of the following grants: 1. Two Shelter Plus Care grants from the U.S. Department of Housing and Urban Development (HUD): a) \$4,124,485 for the Supportive Housing Collaborative for the period June 1, 2021 through May 31, 2022; b) \$2,411,026 for the COACH Project grant for the period of January 1, 2022 through December 31, 2022; and 2. One grant from the County of Alameda for \$881,046 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled. Some assistance may be further extended to individuals' families as part of the supported household on an individual case by case basis for the period of March 1, 2021 through February 28, 2022.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

14. **Contract No. 32000082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$160,562 for a total amount not to exceed of \$6,066,230.
Financial Implications: Parks Tax Fund - \$160,562
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
15. **Contract No. 32000274 Amendment: Suarez and Munoz Construction, Inc. for San Pablo Park Playground and Tennis Court Renovation Project**
From: City Manager
Recommendation: Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 32000274 with Suarez and Munoz Construction, Inc. for the San Pablo Park Playground and Tennis Court Renovation Project, increasing the amount by \$125,000 for an amended total amount not to exceed \$2,094,056.
Financial Implications: Parks Tax Fund - \$125,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
16. **Contract: ERA Construction Inc. for King School Park Play Area Renovation Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the King School Park Play Area Renovation Project, Specification No. 21-11435-C; 2. Rejecting the lowest bid from Kompan California Inc. as non-responsive; 3. Accepting the bid of the lowest responsive and responsible bidder, ERA Construction Inc.; and 4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with ERA Construction Inc. for the King School Park Play Area Renovation Project at 1700 Hopkins Street, Berkeley, CA 94702, in an amount not to exceed \$650,438, which includes a contract amount of \$542,032 and a 20% contingency in the amount of \$108,406.
Financial Implications: Parks Tax Fund - \$650,438
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

17. **Contract: O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project (Bid Specification No. 20-11388-C); 2. Accepting the bid of O.C. Jones & Sons, Inc. as the lowest responsive and responsible bidder on the Project; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with O.C. Jones & Sons, Inc., for the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project, in an amount not to exceed \$6,175,186, which includes a contract amount of \$5,369,727 and a 15% contingency in the amount of \$805,459.
Financial Implications: Various Funds - \$6,175,186
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
18. **Grant Application: California Proposition 68 Statewide Parks Program for New Park Development at Selected Santa Fe Right-of-Way Parcels**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1. Submit a grant application in the amount of up to \$8,000,000 to the California Proposition 68 Statewide Parks Program for new park development at selected Santa Fe Right-of-Way parcels; 2. Accept any grants; 3. Execute any resulting grant agreements and any amendments; and 4. Authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
19. **Recommendation to Incorporate Hate Crimes Against Persons with Homeless Status in Improving Hate Crime Reporting and Response**
From: Homeless Commission
Recommendation: That Council refer to the City Manager to develop a targeted approach, towards persons with homeless status, to improving hate crime reporting and response consistent with the other approaches being developed for other populations under the City of Berkeley's Improving Hate Crimes Reporting and Response legislation passed by Council on November 17, 2020.
Financial Implications: See report
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

Consent Calendar

20. Measure O Notice of Funding Availability (NOFA) for BUSD-Sponsored Educator Housing

From: Housing Advisory Commission

Recommendation: Adopt a Resolution to refer to the City Manager to release a Notice of Funding Availability (NOFA) for a Berkeley Unified School District (BUSD)-employee housing development sponsored by the BUSD, to be funded from Measure O Bond funds, relying on the City's Housing Trust Fund Guidelines but allowing tenant incomes up to 120% of Area Median Income, and reviewed by the Measure O Bond Oversight Commission (MOBOC).

Financial Implications: See report

Contact: Jenny Wyant, Commission Secretary, (510) 981-5400

Council Consent Items

21. Contract No. 9369 Amendment: Badawi & Associates, Certified Public Accountants for Professional Auditing Services

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9369 with Badawi & Associates to perform annual audits of the city's financial statements and to perform annual compliance audits required by the Single Audit Act of 1984 (as amended), for fiscal years 2021 (FY21) and 2022 (FY22), in the amount of \$171,330 for FY21 and \$171,330 for FY22. Increasing the contract value by \$372,660 which includes a \$30,000 contingency for new regulatory reporting including the Measure T1 Audit. This will increase the contract value from \$1,243,896 to \$1,616,556 for the period May 6, 2020 to June 30, 2023.

Financial Implications: Various Funds - \$372,660

Contact: Jesse Arreguin, Mayor, (510) 981-7100

22. Budget Referral: Remediation Plan for Lawn Bowling Green and North Bowling Green

From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor)

Recommendation: Refer to the budget process the development of a remediation plan, with further testing and cost estimate, for the Berkeley Lawn Bowling Green at 2270 Acton Street and the North Bowling Green at 1324 Allston Way.

Financial Implications: See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

23. Support for AB 1401: Parking Reform

From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor)

Recommendation: Send a letter to Assemblymember Laura Friedman, State Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1401, which would eliminate parking requirements for housing and commercial buildings near transit and in low-VMT areas.

Financial Implications: None

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 24. Support for SB-519: Controlled Substances**
From: Councilmember Taplin (Author)
Recommendation: Send a letter of support for Senator Wiener’s Senate Bill 519, which would decriminalize psilocybin, psilocyn, MDMA, DMT, ketamine, mescaline, and ibogaine; expunge criminal records for use and possession of these substances; and establish a commission to provide recommendations to the state legislature on therapeutic uses.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 25. Urge the AC Transit Board of Directors to Restore the 80-Ashby/Sixth Street Bus Line**
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Send a letter to the AC Transit Board of Directors urging the restoration of the 80-Ashby/Sixth Street bus line to its pre-pandemic level of service.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 26. Letter in Support of AB 816 “State and Local Agencies: Homelessness Plan”**
From: Councilmember Bartlett (Author), Councilmember Taplin (Co-Sponsor)
Recommendation: That the Mayor of Berkeley and Members of City Council supports AB 816 “State and Local Agencies: Homelessness Plan” by sending a letter of support to Assemblymember David Chiu, State Senator Nancy Skinner, and Assemblymember Buffy Wicks to express the City of Berkeley’s support for AB 816.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 27. Letter of Opposition to the Federal Aviation Administration’s Proposal to Shift the WNSDR Commercial Airliner Flight Corridor Directly Over Residential Neighborhoods in Berkeley, Richmond, El Cerrito, and Albany**
From: Councilmember Bartlett (Author), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: That the Mayor of Berkeley and Members of the City Council oppose the Federal Aviation Administration’s (FAA) proposal to re-route commercial airline traffic (the WNSDR arrival flight path to Oakland International Airport) directly over residential neighborhoods in Berkeley, Richmond, El Cerrito, and Albany beginning in October 2021. The Council should send letters to Rep. Barbara Lee, Rep. Mark DeSaulnier, Sen. Dianne Feinstein, Sen. Alex Padilla, Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, US Secretary of Transportation Pete Buttigieg, the FAA’s Western Pacific Regional Director, Raquel Girvin, and the Oakland Airport Community Management Noise Forum facilitator, Mike McClintock.
Financial Implications: Staff time
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Council Consent Items

28. **Resolution in Support of Senate Bill 271, the Sheriff Democracy and Diversity Act, to Allow for More Diverse and Democratic Sheriff Elections**
From: Councilmember Harrison (Author), Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution in support of Senate Bill 271, the Sheriff Democracy and Diversity act, to allow for more diverse and democratic Sheriff elections. Send copies of the resolution to Governor Newsom and State Senator Scott Wiener.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
29. **Support for AB 1199: Homes for Families and Corporate Monopoly Transparency Excise Tax**
From: Councilmember Harrison (Author)
Recommendation: Adopt a Resolution proclaiming support for AB 1199, including support for the legislation in the 2020-2021 State Legislative Program, and sending copies of a letter to Assemblymember Mike Gipson, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1199, which would create a database of rental properties, levy a tax on the rental profits of some people or entities holding many properties, and use the funds to support services for tenants and small landlords.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
30. **Budget Referral: Solano Avenue Revitalization Plan**
From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Refer up to \$300,000 to the FY2022-FY2023 Budget Process for the development of a two-part Solano Avenue “Master” Revitalization Plan; Part A for the Upper/Eastern end of Solano Avenue and Part B for mid-corridor blocks within the City of Berkeley, to coordinate with the City of Albany’s mid-corridor Solano Avenue Reconfiguration Plan.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

31. **Personal Liability Protection for Small Businesses Impacted by COVID-19**

From: Councilmember Hahn (Author)

Recommendation:

1. Adopt an urgency ordinance adding Berkeley Municipal Code (BMC) Chapter 13.113, relating to personal liability in commercial leases during the COVID-19 pandemic; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, in order to protect the health, safety, and economic wellbeing of the people of Berkeley.

2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

32. **Support for AB 455: Bay Bridge Transit-Only Lane**

From: Councilmember Robinson (Author), Councilmember Kesarwani (Co-Sponsor)

Recommendation: Send a letter to Assemblymember Rob Bonta, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 455, which would authorize the Bay Area Toll Authority, in consultation with the Department of Transportation, to designate transit-only traffic lanes on the San Francisco-Oakland Bay Bridge.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – New Business

33. City Council Rules of Procedure and Order Revisions

From: City Manager

Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to add temporary rules for the legislative process during the COVID-19 declared emergency; sunset the temporary process to read written comments at meetings; and rescinding any preceding amendatory resolutions.

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6900

Council Action Items

34. Requesting the California State Legislature to introduce actions to value human life and to condemn racial injustice and police brutality

From: Councilmember Davila (Author) *(Reviewed by the Health, Life Enrichment, Equity and Community Committee)*

Recommendation:

1. Adopt a resolution requesting the California State Legislature to introduce legislation incorporating recommendations from the community to value human life and to condemn racial injustice and police brutality.

2. Send copies of this resolution to State Assemblymember Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.

Policy Committee Recommendation: Forward the item to Council with a negative recommendation given that there are a number of questions as to some of the points of the resolution including the purview of the Legislature, legal questions, and feasibility. The Committee recommends that the Council refer to the Public Safety Committee to consider the state Police Officer's Bill of Rights and possible subsequent action by the City Council. Further, that the office of Councilmember Taplin will look into specific state bills on police reform and public safety issues to determine which bills warrant a letter of support from the City Council.

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

35. Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property

From: Councilmember Kesarwani (Author), Councilmember Taplin (Co-Sponsor)

Recommendation: Refer to the Planning Commission to create a zoning overlay at the Pacific Steel Casting (PSC) property in West Berkeley—currently zoned Manufacturing (M) and redesignate it as Mixed Use - Light Industrial (MULI) due to the unique issues of public concern associated with this property (described below); specifically, include in the PSC zoning overlay allowances to enable all MULI uses and override any existing constraints in the Berkeley Municipal Code for Zoning (Title 23) on such MULI uses for the PSC property.

Financial Implications: Staff time

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Council Action Items

36. *****Removed from Agenda by Councilmember Taplin*** Local Parks Option for the Percentage for Public Art on Private Projects**
From: Councilmember Taplin (Author)
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
37. **Refer to the City Manager to Prioritize Municipal Fleet Modal Shift to Electric Bicycles and Other Forms of Zero-Emissions Mobility Where Feasible**
From: Councilmember Harrison (Author)
Recommendation: Refer to the City Manager to prioritize municipal fleet modal shift to electric bicycles and other forms of zero-emissions mobility, where feasible, as part of ongoing efforts to achieve a zero-emissions fleet by 2030.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Information Reports

38. **Civic Arts Commission Annual Work Plan 2021**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
39. **Community Health Commission 2021 Work Plan**
From: Community Health Commission
Contact: Roberto Terrones, Commission Secretary, (510) 981-5400
40. **Disaster and Fire Safety Commission Work Plan 2021**
From: Disaster and Fire Safety Commission
Contact: Keith May, Commission Secretary, (510) 981-3473
41. **Measure O Bond Oversight Committee Work Plan FY 2021**
From: Measure O Bond Oversight Committee
Contact: Jenny Wyant, Commission Secretary, (510) 981-5400

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 8, 2021.***

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

## **Communications – April 20, 2021**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

### **Transient Occupancy Tax Allocated to the Marina Fund**

1. Gordon Wozniak

## **Communications**

### **Illegal Encampment at the Telegraph-Channing Mall**

2. Kirstie Bennett, Jeffrey Goldberg and Chelsea Bennet Whitney, on behalf of the Shops at Telegraph-Channing Mall

### **Gilman and the I-80 Interchange**

3. David Lerman
4. Carol Crossley, on behalf of the Alameda County Transportation Commission

### **Hopkins Street Parking**

5. Merle Weiner
6. Carol Hirth
7. Jan Austerlitz
8. Councilmember Hahn (2)
9. Friends of Five Creeks
10. Farid Javandel, on behalf of the City of Berkeley
11. David Lerman
12. Julie Ross
13. David Pope

### **Berkeley Asphalt**

14. Mike Perlmutter, on behalf of Clean AIR Berkeley (3)
15. Melanie McLean, on behalf of the City Manager

### **5G + Cell Antennas**

16. Max Ventura (2)
17. Gene Herman
18. Frances Hillyard

### **Homelessness**

19. Kai Horng
20. Jamie Greenblatt (2)
21. Kristen Barneich
22. Kathy Krebs
23. Chris Ahoy, on behalf of the Berkeley Rotary Club

### **Bicycle and Pedestrian Safety**

24. Ed Reid
25. Beatriz Motta
26. Aviv Schifrin
27. Tom Lent
28. Bhima Sheridan
29. Sean McLaughlin
30. Noah Budnick (2)
31. Councilmember Taplin
32. Teresa Clarke

## **Communications**

- 33. Elise Brewster
- 34. Dana Hymel
- 35. MaryAnn Furda
- 36. David Lerman
- 37. Jeffrey Black
- 38. Katy Love

### **Robberies near Ellsworth**

- 39. Sabina McMurtry
- 40. Kris Muller
- 41. Sally Hughes
- 42. Carol Ness
- 43. Councilmember Robinson

### **Vaccinations**

- 44. Gerald Maxey
- 45. City of Berkeley COVID-19 Information Services
- 46. Bryce Nesbitt
- 47. Linda Franklin

### **Redistricting**

- 48. Dona Bretherick
- 49. Councilmember Taplin
- 50. Mark Numainville, City Clerk

### **Zoning and Housing**

- 51. Avram Gur Arye
- 52. Susan Kirsch
- 53. Diana Bohn
- 54. Livable California
- 55. Christopher Hudson
- 56. Sally Hindman
- 57. Curry Barber
- 58. Linda Maio
- 59. Barbara Gilbert

### **Green Monday**

- 60. Nilang Gor (2)
- 61. Melanie McLean, on behalf of the City of Berkeley

### **School Reopening's**

- 62. Maxine Skaggs Kennedy

### **Nuclear Ban Treaty**

- 63. Gar Smith

## **Communications**

### **Cal Sailing Considerations for the Berkeley Marina Area Specific Plan (BMAASP) Project**

64. Camille Antinori, on behalf of Cal Sailing

### **Stop Asian Hate Demonstration**

65. Jennifer Rose

### **Cesar Chavez Park Conservancy Grant**

66. Igor Tregub, on behalf of the Sierra Club Northern Alameda County Group

### **Marijuana and Tobacco Smoke in Multi-Unit Housing**

67. Carol Denney

### **National Crime Victims' Rights Week Proclamation Request**

68. Michelle Joya, on behalf of the Alameda County District Attorney's Office

### **Milk Condition**

69. Phil Allen

### **ZAB Use Permit for 3031 Telegraph Avenue**

70. Steve Medbery

### **1900 Fourth Street Fencing**

71. Stephanie Manning

### **Climate Emergency**

72. Thomas Lord

### **Support Rooftop Solar**

73. Kathleen Giustino (2)

### **PRC and Hiring a New Chief of Police**

74. Katherine Lee, on behalf of the Police Review Commission

### **Police Violence**

75. Ris Coto

76. Shellie Wharton

### **Quake Scenario Exercise**

77. David Peattie

### **On-Demand Mobile App**

78. Sandy

### **BART Housing Development**

79. 11 similarly-worded form letters (BART Development)

## Communications

- 80.37 similarly-worded form letters (North Berkeley BART Development)
81. Laura Stevens
82. Forest Kaser
83. Toni Casal
84. Vicki Sommer (3)
85. Stephen Sperber and Roberta Silverstein
86. Eric Johnson (2)
87. Leah Levy
88. Chimey Lee
89. David Brandon
90. Albert Buixade Farre
91. Serena Lim and Family
92. Mariko Nobori
93. Todd Jailer
94. Friends of Adeline
95. Anna Cederstav
96. Tom Athanasiou and Rachel Sommerville
97. Janet Byron
98. Randy Shaw
99. Lee Bishop
100. Stephen Dalton
101. Robin Henke
102. Elie Hassenfeld
103. Jenny Johnston
104. Nritkaar Dhesi
105. David Brandon

### URL's Only

106. 11 russbumper
107. Vivian Warkentin

### Supplemental Communications and Reports

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.

